THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, the 11th day of June,2007

W.P.No.24657 of 2006

Between:-

Shaji … Petitioner

and

Union of India, rep. by its Secretary, Ministry of Home Affairs, Nirman Bhavan, New Delhi & others … Respondents

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W.P.No.24657 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 1st respondent in passing Order vide Proceedings No.F-37099(3)/ADM/NOC/06/3981, dated 23-11-2006 rejecting the case of the petitioner for resignation from the post of Sub-Inspector (Fire) as arbitrary and illegal and consequently to direct respondents 1 to 4 to accept the request of the petitioner for resignation and discharge him from the post of Sub-Inspector (Fire).

It appears, petitioner while serving in the 2nd respondent-organization applied for the post of Fire Inspector (PS-1 Grade) with the 5th respondent-Ship Yard and was selected. Therefore, he tendered resignation, but the same was not accepted under the impugned Order stating that the subject was taken up with CISF Headquarters for considering the resignation of the petitioner and vide Message dated 17-11-2006, it was intimated that the competent authority has considered the resignation and in the light of instructions issued by MHA & DOPT on the subject, the competent authority has not accepted the same. Aggrieved by the same, the present Writ Petition is filed.

A detailed counter affidavit has been filed denying the allegations made by the petitioner and stating that the petitioner has not obtained No Objection Certificate from the Department while applying with the 5th respondent and also he is a specially trained

person; therefore, his resignation cannot be accepted and he cannot be relieved.

During the course of arguments, it came to light that even the petitioner was trained by a private agency. Now, there are no batches, which are undergoing training requiring the services of the petitioner to be utilized. Learned counsel for the respondents states that the training may begin after June,2007; therefore, his services are required and his resignation cannot be accepted immediately. It is unfortunate that such a stand was taken. The Writ Petition has come up for admission on 27-11-2006 and it has undergone several adjournments and even today no batch of trainees are awaiting the instructions of the petitioner. Therefore, the respondents 1 to 4 are directed to accept the resignation of the petitioner and relieve him from duties to enable him to join in the 5th respondent-organization. It is always open for the respondents 1 to 4 to recover the expenditure incurred by them for giving specialized training to the petitioner as required under Rule 58 of Central Industrial Security Force Rules,2001.

With the above directions, the Writ Petition is disposed of. No order as to costs.

11-6-2007

prk